

Notice of Allowability

Application No.

09/155,676

Examiner

Janet L. Epps-Ford

Applicant(s)

WALLACH ET AL.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's amendment and Interview 7-31-08.
2. ☒ The allowed claim(s) is/are 13-16,20-22,43,44,46,47,49,50,53-59,62-71,73-75 and 77-79.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 9-05-02.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>7-31-08</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Drawings

1. The proposed corrections to the drawings filed on 4-19-2000 are acceptable, as stated in the Office Action 9/21/2006. However, new formal drawings, comprising the proposed corrections set forth in the Substitute Sheets filed 4-19-2000, and which address the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review," PTO-948, mailed to Applicants on 9/05/2002, are required. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

16 (Currently Amended). An isolated [T]transformed eukaryotic or prokaryotic host cell[s] containing a vector according to claim 13.

46 (Currently Amended). A method for identifying and producing a ligand capable of binding to a polypeptide according to claim 53, comprising:

a) screening for a ligand capable of binding to said polypeptide;

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b) identifying and characterizing [a] said ligand, other than TRAF2 or portions of a receptor of the TNF/NGF receptor family, found by said screening to be capable of said binding; and c) producing said ligand in substantially isolated and purified form.

47 (Currently Amended)). A method for identifying and producing a molecule capable of binding to NIK, comprising:

a) screening for a molecule capable of binding to the NIK sequence of SEQ ID NO:7;

b) identifying and characterizing [a] said molecule, other than TRAF2 or portions of a receptor of the TNF/NGF receptor family, found by said screening step to be capable of said binding; and

c) producing said molecule in substantially isolated and purified form.

54 (Currently Amended). An isolated DNA molecule comprising an isolated DNA sequence encoding a polypeptide in accordance with claim 69 or consisting of a recombinant vector comprising said DNA sequence.

55 (Currently Amended). An isolated DNA molecule comprising an isolated DNA sequence selected from the group consisting of:

(i) a cDNA sequence comprising the nucleotide sequence of SEQ ID NO: 1;

(ii) a cDNA sequence comprising the nucleotide sequence of SEQ ID NO:6; and

(iii) a cDNA sequence comprising the nucleotide sequence of SEQ ID NO:4.

56 (Currently Amended). The[A] isolated DNA molecule in accordance with claim 55, wherein said cDNA sequence comprises the nucleotide sequence of SEQ ID NO: 1 or SEQ ID NO: 4.

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57 (Currently Amended). The[A] isolated DNA molecule in accordance with claim 55, wherein said cDNA sequence comprises the nucleotide sequence of SEQ ID NO: 3.

58 (Currently Amended). The[A] isolated DNA molecule in accordance with claim 55, wherein said cDNA sequence comprises a cDNA sequence encoding the polypeptide encoded by the nucleotide sequence of SEQ ID NO:6 (protein NIK of SEQ ID NO:7)).

59 (Currently Amended). The[A] isolated DNA molecule in accordance with claim 54, wherein said DNA sequence encodes:

[(1)] a polypeptide wherein said polypeptide of (a) is the polypeptide encoded by the nucleotide sequence of SEQ ID NO: 1[, or],

~~(2) a polypeptide that is encoded by a DNA sequence capable of binding to a DNA sequence encoding the sequence of (i) under moderately stringent conditions, which polypeptide binds to TRAF2.~~

60 (Canceled).

63 (Currently Amended). An isolated DNA molecule comprising an isolated DNA sequence encoding a polypeptide in accordance with claim 62 or consisting of a recombinant vector comprising said DNA sequence.

64 (Previously Presented). A method for identifying and producing a molecule capable of binding to a polypeptide according to claim 62, comprising:

a) screening for a molecule capable of binding to said polypeptide;

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- b) identifying and characterizing [a] said molecule, wherein said molecule is other than TRAF2 or portions of a receptor of the TNF/NGF receptor family, found by said screening to be capable of said binding; and
- c) producing said molecule in substantially isolated and purified form.

65 (Currently Amended). An isolated DNA molecule comprising an isolated DNA sequence encoding a polypeptide in accordance with claim 53 or consisting of a recombinant vector comprising said DNA sequence.

67 (Currently Amended). An isolated [T]transformed eukaryotic or prokaryotic host cells containing a vector according to claim 65.

69 (Currently Amended) An isolated polypeptide that binds to TRAF2, said polypeptide

- a) comprising the ~~amino acid sequence of SEQ ID NO: 2,~~ the amino acid sequence encoded by the nucleotide sequence of SEQ ID NO:6, ~~or the amino acid sequence of SEQ ID NO:5;~~

- b) comprising the amino acid sequence of an analog of a), having no more than ten changes in the amino acid sequence of a), each said change being a substitution, deletion or insertion of an amino acid, which analog binds to TRAF2; [or]

- c) comprising a derivative of a) or b) by modification of a functional group which occurs as a side chain or an N- or C-terminal group of one or more amino acid residues thereof without changing one amino acid to another of the twenty commonly occurring natural amino acids, which derivative binds to TRAF2[.], or

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d) comprising the amino acid sequence of SEQ ID I NO: 2, or the amino acid sequence of SEQ ID NO:5.

In claims 70, 71, 73-75, the first instance of the term “an” was replaced with the term --The--.

77 (Currently Amended). An isolated DNA molecule comprising an isolated DNA sequence encoding a polypeptide in accordance with claim 73 or consisting of a recombinant vector comprising said DNA sequence.

78 (Currently Amended). An isolated DNA molecule comprising an isolated DNA sequence encoding a polypeptide in accordance with claim 74 or consisting of a recombinant vector comprising said DNA sequence.

79 (Currently Amended). An isolated DNA molecule comprising an isolated DNA sequence encoding a polypeptide in accordance with claim 75 or consisting of a recombinant vector comprising said DNA sequence.

80 (Canceled).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Epps-Ford whose telephone number is 571-272-0757. The examiner can normally be reached on M-F, 10:00 AM through 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet L. Epps-Ford/
Primary Examiner, Art Unit 1633

/J. L. E./
Primary Examiner, Art Unit 1633